

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

AMO DEVELOPMENT, LLC, )  
AMO MANUFACTURING USA, LLC, )  
and AMO SALES AND SERVICE, )  
INC., )

Plaintiffs, )

v. )

C.A. No. 20-842-CFC-JLH

ALCON VISION, LLC, ALCON )  
LABORATORIES, INC., and ALCON )  
RESEARCH, LLC, )

**JURY TRIAL DEMANDED**

Defendants. )

---

ALCON, INC., ALCON RESEARCH, )  
LLC and ALCON VISION, LLC, )

Counterclaim-Plaintiffs, )

v. )

AMO DEVELOPMENT, LLC, )  
AMO MANUFACTURING USA, LLC, )  
AMO SALES AND SERVICE, INC. )  
and JOHNSON & JOHNSON )  
SURGICAL VISION, INC., )

Counterclaim-Defendants. )

**ALCON'S MOTION FOR SUMMARY JUDGMENT (NO. 1) THAT THE  
COPYRIGHT ACT BARS MONETARY RELIEF FOR INFRINGING ACTS  
OCCURRING MORE THAN THREE YEARS BEFORE J&J FILED SUIT**

Pursuant to Federal Rule of Civil Procedure 56, Defendants Alcon Vision, LLC, Alcon Laboratories, Inc., and Alcon Research, LLC (“Alcon”) respectfully move for summary judgment on Plaintiffs AMO Development, LLC, AMO Manufacturing USA, LLC, and AMO Sales and Service, Inc.’s (“J&J”) claim for monetary relief for acts that occurred before September 28, 2017. The grounds for this motion are fully set forth in Alcon’s Brief in Support of its Motion for Summary Judgment (No. 1) That the Copyright Act Bars Monetary Relief for Infringing Acts Occurring More Than Three Years Before J&J Filed Suit, and a proposed order is attached hereto.

WHEREFORE, Alcon respectfully requests that the Court grant this Motion and enter the proposed order attached hereto.

Respectfully Submitted,

/s/ Andrew E. Russell

John W. Shaw (No. 3362)

Karen E. Keller (No. 4489)

Andrew E. Russell (No. 5382)

Nathan R. Hoeschen (No. 6232)

SHAW KELLER LLP

I.M. Pei Building

1105 North Market Street, 12th Floor  
Wilmington, DE 19801

(302) 298-0700

jshaw@shawkeller.com

kkeller@shawkeller.com

arussell@shawkeller.com

nhoeschen@shawkeller.com

*Attorneys for Alcon Inc., Alcon Vision,  
LLC, Alcon Laboratories, Inc. and  
Alcon Research, LLC*

OF COUNSEL:

Jeanne M. Heffernan

KIRKLAND & ELLIS LLP

401 Congress Avenue

Austin, TX 78701

(512) 678-9123

Gregg F. LoCascio

Sean M. McEldowney

Noah S. Frank

KIRKLAND & ELLIS LLP

1301 Pennsylvania Avenue, NW

Washington, DC 20004

(202) 389-5000

Joshua L. Simmons

KIRKLAND & ELLIS LLP

601 Lexington Ave

New York, NY 10022

(212) 390-4573

Kristen P.L. Reichenbach

KIRKLAND & ELLIS LLP

555 California Street

San Francisco, CA 94104

(415) 439-1400

Caroline Lourgou

KIRKLAND & ELLIS LLP

300 North LaSalle

Chicago, IL 60654

(312) 862-2000

Dated: August 19, 2022